

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

NINA SHAHIN,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-643 GMS
)	
STATE OF DELAWARE, and)	
OFFICE OF MANAGEMENT AND BUDGET,)	
)	
Defendants.)	

ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANTS
STATE OF DELAWARE AND DEPARTMENT OF TRANSPORTATION TO
PLAINTIFF'S COMPLAINT

NOW COME Defendants the State of Delaware and the Office of Management and Budget ("State Defendants") by and through undersigned counsel, and hereby Answer the Complaint and state:

1. Paragraph No. 1 calls for a legal conclusion to which no response is required.
2. State Defendants are without sufficient information or knowledge on which to form a belief as to the truth of the allegations in paragraph no. 2 and therefore deny same.
3. Admitted only that the principal place of business for State Defendant Office of Management and Budget is located at 122 William Penn Street, Dover, Delaware 19901.
4. State Defendants are without sufficient information or knowledge on which to form a belief as to the truth of the allegations in paragraph no. 4 and therefore deny same.
5. State Defendants are without sufficient information or knowledge on which to form a belief as to the truth of the allegations in paragraph no. 5 and therefore deny same.
6. State Defendants are without sufficient information or knowledge on which to form a belief as to the truth of the allegations in paragraph no. 6 and therefore deny same.
7. Paragraph No. 7 is a statement to which no response is required.

8. State Defendants are without sufficient information or knowledge on which to form a belief as to the truth of the allegations in paragraph no. 8 and therefore deny same.

9. Denied as alleged.

10. Denied as alleged.

11. Paragraph No. 11 is a request for relief by Plaintiff to which no response is required.

FIRST AFFIRMATIVE DEFENSE

12. Plaintiff lacks standing to raise the claim alleged and/or lacks injury in fact.

SECOND AFFIRMATIVE DEFENSE

13. The Complaint fails to state any claim upon which relief sought may be granted.

THIRD AFFIRMATIVE DEFENSE

14. Plaintiff failed to exhaust her administrative remedies.

FOURTH AFFIRMATIVE DEFENSE

15. This Court lacks jurisdiction over the subject matter of Plaintiff's action.

FIFTH AFFIRMATIVE DEFENSE

16. Plaintiff has no property interest or other right that is subject to protection in this action.

SIXTH AFFIRMATIVE DEFENSE

17. Plaintiff's claims are barred by sovereign immunity.

SEVENTH AFFIRMATIVE DEFENSE

18. Plaintiff's claims are barred by Eleventh Amendment immunity.

EIGHTH AFFIRMATIVE DEFENSE

19. Plaintiff's claims are barred by absolute immunity or qualified immunity.

NINTH AFFIRMATIVE DEFENSE

20. Plaintiff's claims are not ripe for adjudication.

WHEREFORE, State Defendants pray that:

1. Plaintiff's case be dismissed in its entirety;
2. State Defendants recover and receive any and all other relief to which they may be entitled.

Respectfully submitted,
STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ John B. Hindman
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Attorneys for State of Delaware and
Office of Management and Budget

Dated: April 14, 2008

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2008, I electronically filed the attached Answer and Affirmative Defenses of State Defendants State of Delaware, Office of Management and Budget to Plaintiff's Complaint, with the Clerk of Court using CM/ECF and mailed by United States Postal Service, the document(s) to the following non-registered participants:

By U.S. Mail, first class (2 copies):

Ms. Nina Shahin
103 Shinnecock Rd.
Dover, DE 19904

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Laura L. Gerard

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